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APR 25 2003
PATENT & TRADEMARK OFFICE
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on April 21, 2003.

4/21/03 Margaret K. Surridge
Date Margaret K. Surridge

1646
Atty Dkt No. 8500-0270
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Nahid S. WALEH et al.

Confirmation No.: 3700

Serial No.: 10/029,427

Group Art Unit: 1646

Filing Date: December 19, 2001

Examiner: Janet L. ANDRES

Title: MODULATORS OF THE HYPOCRETIN SYSTEM AND METHODS OF SCREENING THEREFOR

**RESPONSE TO REQUIREMENT FOR RESTRICTION
AND ELECTION OF SPECIES TRANSMITTAL LETTER**

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is an amendment in the above patent application in response to the Office Action of March 24, 2003.

- ☒ Also enclosed: Return Postcard.
☒ No additional amendment fee is required.

No. of Claims After Amendment		Most Claims Previously Paid		Extra Claims		Additional Fee	
A. Total Claims	43	-	61	=	0 x \$18	=	0.00
B. Ind. Claims	2	-	5	=	0 x \$84	=	0.00
C. If amended to contain multiple dependent claims, add \$280						\$280	= 0.00
D. Total Amendment Fee (Total of A, B & C)							= 0.00
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)							= 0.00
F. Total Amendment Fee (D minus E)							= 0.00

The Commissioner is hereby authorized to charge any fees under 37 CFR §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-0580. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By:

Karen Canaan
Karen Canaan
Registration No. 42,382

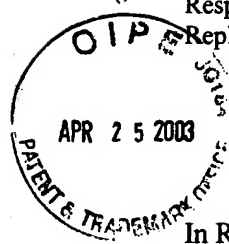
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TECH CENTER 1600/2900

Application No. 10/029,427
Response to Restriction Requirement dated April 21, 2003
Reply to Office Action of March 24, 2003

Atty Dkt No. 8500-0270

#9
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Confirmation No.: 3700

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RESPONSE TO REQUIREMENT FOR RESTRICTION
AND ELECTION OF SPECIES

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Requirement for Restriction, mailed March 24, 2003, in which the Examiner required restriction between the following four groups of claims:

- (I) Claims 1-43, drawn to methods of treatment;
- (II) Claims 44-53, drawn to drug screens;
- (III) Claims 54-58, drawn to polynucleotides and means of expression; and
- (IV) Claims 59-61, drawn to modulators of the hypocretin system.

In response, applicants elect Group 1, without traverse. Applicants expressly reserve their right under 35 USC § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

With the election of Group I, the Examiner is also requiring election of one of the following species:

Age-related disorders
Jet lag
Narcolepsy
Insomnia

Mood disorder
Chronic fatigue syndrome
Attention deficit disorder
Neuronal degeneration
Nausea
Irritable bowel syndrome
Incontinence
Pain

Applicants respectfully submit that the Examiner's species selection is overly narrow and identifies four subspecies of the invention without specifying the species from which the four subspecies arise. To illustrate this point, the following list sets forth the proper species and subspecies of the invention with representative claims indicated parenthetically:

Species:

1. Sleep Disorder (claims 11-17)

Subspecies:

- A. age-related sleep disorder (claim 12)
- B. jet lag (claim 13)
- C. narcolepsy (claims 14 and 15)
- D. insomnia (claims 16 and 17)

- 2. Mood Disorder (claim 18)
- 3. Chronic Fatigue Syndrome (claim 18)
- 4. Attention Deficit Disorder (claim 18)
- 5. Neuronal degeneration (claim 19)
- 6. Nausea (claim 20)
- 7. Vomiting (claim 20)
- 8. Irritable Bowel Syndrome (claim 21)
- 9. Incontinence (claim 22)
- 10. Pain (claim 23)
- 11. Eating Disorder (claim 24)

With the foregoing regrouping applicants elect the species of "sleep disorders," with claims 11-17 reading on same. This election of species is made with the understanding that the election of species is only for purposes of initial examination and that upon allowance of a generic claim, claims reading on all of the foregoing species (species 1-11 identified above) will be entitled to consideration.

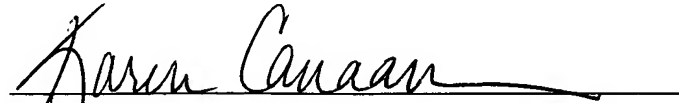
Application No. 10/029,427
Response to Restriction Requirement dated April 21, 2003
Reply to Office Action of March 24, 2003

Atty Dkt No. 8500-0270

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, she is welcome to contact the undersigned attorney at (650) 330-4913.

Respectfully submitted,

By:

A handwritten signature in cursive script, appearing to read "Karen Canaan", written over a horizontal line.

Karen Canaan
Registration No. 42,382

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